

EXHIBIT B

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:	Case No.: 20-71877-reg
DIAMOND FINANCE CO., INC.,	Chapter 7
Debtor.	Adv. Proc. No.: 21-08051-reg
Marc Pergament, Chapter 7 Trustee of the Estate of Diamond Finance Co., Inc.,	
Plaintiff,	
-against-	
Auto City International, Inc., Diamond Cars “R” Us Inc., Diamond Cars Are Us Inc, Marcos Benzaquen, Jacob Benzaquen and John Does 1-10,	
Defendants.	

**DECLARATION OF JONATHAN T. KOEVARY, ESQ.
IN SUPPORT OF MOTION FOR
ENTRY OF DEFAULT AGAINST DEFENDANT AUTO CITY INTERNATIONAL, INC.**

JONATHAN T. KOEVARY pursuant to 28 U.S.C. § 1746, declares:

1. I am a partner at Olshan Frome Wolosky LLP, special counsel for Plaintiff Marc Pergament, the Chapter 7 Trustee (“Plaintiff” or “Trustee”) in the above captioned adversary

proceeding (the “Adversary Proceeding”). The statements set forth are based upon my personal knowledge, and are true and correct to the best of my knowledge, information, and belief.

2. The Trustee commenced this Adversary Proceeding on March 18, 2021 by filing the complaint (the “Complaint”); [Dkt. No. 1]. Auto City International, Inc. (“Auto City”) is a named defendant.

3. Auto City is a New York domestic corporation listed as “active” on the publically available New York Department of State database (the “DOS Database”). See Exhibit A hereto (a true and correct copy of the DOS Database “Entity Display” as of December 13, 2021).

4. This Court issued the summons (the “Summons”) of Auto City on March 19, 2021. [Dkt. No. 3]. A responsive pleading under the summons was due by April 19, 2021.

5. On March 24, 2021, Metro Attorney Service Inc. served two copies each of the Summons, Complaint, and Civil Cover Sheet upon the New York Secretary of State as agent for Auto City and paid the statutory required fee. See Affidavit of Service Dated March 24, 2021 (available at Dkt. No. 5 at 2 and also attached as Exhibit B hereto).

6. The court’s public docket indicates that Auto City failed to answer or otherwise respond to the Complaint, and the time to do so has expired.

7. The time to plead or otherwise respond to the complaint has not been extended by any agreement of the parties or any order of the Court.

8. Auto City is neither an infant or incompetent person, nor is Auto City in the military service within the purview of the Service members Civil Relief Act, 50 U.S.C. app. § 501 *et seq.*

9. I declare under penalty of perjury under the laws of the United States of America that the foregoing information is true and correct to the best of my knowledge, information and belief.

Executed on the 16th day of December, 2021

/s/ Jonathan T. Koevary

JONATHAN T. KOEVARY

EXHIBIT A

December 12, 2021 | 3:50 pm

COVID-19 Vaccines

Vaccine appointments are available at New York State mass vaccination sites for children ages 5- 11. Vaccines are also widely available through your child's pediatrician, family physician, local county health department, FQHC, or pharmacy.

FIND PROVIDER >

Department of State
Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME:	DOS ID:
AUTO CITY INTERNATIONAL, INC.	305795
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE:	DURATION DATE/LATEST DATE OF DISSOLUTION:
DOMESTIC BUSINESS CORPORATION	
SECTIONOF LAW:	ENTITY STATUS:
-	Active
DATE OF INITIAL DOS FILING:	REASON FOR STATUS:
04/08/1971	
EFFECTIVE DATE INITIAL FILING:	INACTIVE DATE:
04/08/1971	
FOREIGN FORMATION DATE:	STATEMENT STATUS:
	PAST DUE DATE
COUNTY:	NEXT STATEMENT DUE DATE:
Kings	04/30/2021
JURISDICTION:	NFP CATEGORY:
New York, United States	

- ENTITY DISPLAY
- NAME HISTORY
- FILING HISTORY
- MERGER HISTORY
- ASSUMED NAME HISTORY

Service of Process Name and Address

Name: THE CORPORATION

Address: 450 UTICA AVE, BROOKLYN, NY, United States, 11203 - 1347

Chief Executive Officer's Name and Address

Name: ROBERT DIAMOND

Address: 450 UTICA AVE, BROOKLYN, NY, United States, 11203 - 1347

Principal Executive Office Name and Address

Name:

Address: 450 UTICA AVE, BROOKLYN, NY, United States, 11203 - 1347

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: No

Stock Information

Share Value	Number Of Shares	Value Per Share

EXHIBIT B

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re: DIAMOND FINANCE CO., INC.

Debtor.

Chapter 7
Case No.: 20-71877 (REG)

MARC PERGAMENT, CHAPTER 7 TRUSTEE OF
THE ESTATE OF DIAMOND FINANCE CO., INC.,

AFFIDAVIT OF SERVICE

Plaintiff,

-against-

AUTO CITY INTERNATIONAL, INC., ET AL.,

Defendants.

COUNTY OF ALBANY SS:
STATE OF NEW YORK

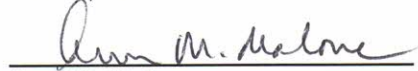
Jeffrey Teitel being duly sworn, deposes and says that he is over the age of eighteen years, is not a party to this action and is acting as agent of **METRO ATTORNEY SERVICE INC.**

That on the 24th day of March, 2021 at approximately the time of 11:30 AM at the office of the Secretary of State, of the State of New York, in the City of Albany, New York, deponent personally served the Summons and Notice of Pretrial Conference in an Adversary Proceeding, Adversary Proceeding Cover Sheet and Complaint on **AUTO CITY INTERNATIONAL, INC.** by delivering and leaving with Nancy Dougherty, an agent of the Secretary of State, of the State of New York, two (2) true copies thereof and at the time of making such service deponent paid said Secretary of State a fee of forty dollars. That said service was made pursuant to section 306 of the Business Corporation Law.

Deponent further states that he knew the person so served as aforesaid to be the individual on the Office of the Secretary of State of New York, duly authorized to accept such service on behalf of the said defendant.

Nancy Dougherty is a white female, approximately 62 years of age, stands 5 feet 4 inches tall, weight approximately 145 pounds with brown hair.

Sworn to before me this 24th day of
March, 2021



Ann M. Malone
Notary Public, State of New York
Qualified in Albany County
No. 01MA6410748
Commission Expires November 02, 2024


Jeffrey Teitel